IN THE HIGH COURT OF JUDICATURE OF BOMBAY

CIVIL APPELLATE JURISDICTION

CIVIL APPLICATION NO.25 OF 2006
IN
(SUO MOTU) CONTEMPT PETITION NO.186 OF 1994

Mrs.J.M.Jagtiani and Anr. ..Applicants.

V/s.

M/s.Advent Corporation Pvt.Ltd. ..Respondent.

And

The Managing Director
M/s.Advent Corporation Pvt.Ltd. ..Contemnor.

Mr.V.Sugdare i/b M/s.Thakoredas & Madgavkar for applicants.

Mr.Amin Kharde i/b. Advani & Co. for respondent No.2.

CORAM: A.M.KHANWILKAR,J

DATE : APRIL 12, 2006.

P.C. :

1. This application has been filed on the assumption that both the plaintiffs have died and the amount deposited by the applicant/original defendant in this court in terms of order dated 2nd February, 2001 has remained unclaimed. Mr. Sugdare appearing for plaintiff No.2 states that the assumption on which the application is being filed is incorrect. He submits that the plaintiff No.2 is very much alive and he is interested to pursue the remedy of execution of decree in their favour. In the

circumstances, this application cannot be granted, but will have to be rejected. In as much as the amount, which has been invested will have to be made over to the persons entitled to the said amount which may be plaintiff No.2 and heirs and legal representatives of plaintiff No.1 jointly or severally.

2. In the circumstances, this application disposed of keeping all contentious issues between the parties open, to be considered in the execution proceedings, to be decided in accordance with the law.